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11 *Attorney for Defendant*

12 **UNITED STATES DISTRICT COURT**  
13 **EASTERN DISTRICT OF NEW YORK**  
14

15 MICHAEL SPAGNUOLI and JOSEPH  
VESELAK, individually and on behalf of other  
16 persons similarly situated who were employed,

17 Plaintiff,

18 against

19 LOUIE'S SEAFOOD RESTAURANT, LLC  
and/or any other entities affiliated with,  
20 controlling, or controlled by LOUIE'S  
SEAFOOD RESTAURANT, LLC, and/or  
21 MARTIN PICONE and MICHAEL  
GUINNANE,  
22

23 Defendants.  
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26  
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Case No. 13-cv-4907

Hon. Joan M. Azrack

**CLASS ACTION**

**DECLARATION OF LINDSAY KLINE  
REGARDING NOTICE AND  
SETTLEMENT ADMINISTRATION**

**DECLARATION OF LINDSAY KLINE**

1 I, LINDSAY KLINE, hereby declare:

2 1. I am employed as a Case Manager by Simpluris, Inc. ("Simpluris"), the claims  
3 administrator in the above-entitled action. Our Corporate Office address is 3194-CAirport Loop Dr.,  
4 Costa Mesa, CA 92626. My telephone number is (714) 640-5635. I am over twenty-one years of age  
5 and authorized to make this declaration on behalf of Simpluris and myself.  
6

7 2. Simpluris is a Class Action Settlement Administration company located in Costa Mesa,  
8 California. It was founded by individuals who have each managed hundreds of settlements, along with  
9 professionals in the areas of Software Development, Third-Party Claims Administration, Mail-House  
10 Operations, and Call Center Support Management.

11 3. Simpluris was approved by Counsel for Michael Spagnuoli and Joseph Veselak  
12 ("Plaintiffs"), and Louie's Seafood Restaurant, LLC ("Defendant"), (collectively the "Parties"), to  
13 provide settlement administration services in the *Spagnuoli, et al v. Louie's Seafood Restaurant, LLC,*  
14 *et al*, case ("Settlement"). In this capacity, Simpluris was charged with (a) establishing and  
15 maintaining a related settlement fund account; (b) establishing and maintaining a calendar of  
16 administrative deadlines and responsibilities; (c) processing and mailing payments to the Plaintiffs,  
17 Class Counsel and Claimants; (d) printing and mailing the Notice of Proposed Class Action Settlement  
18 and the Claim Form to Class Members; (e) receiving and validating Claim Forms submitted by Class  
19 Members (f) receiving and validating Requests for Exclusion, Objections or Disputes of Work Weeks  
20 submitted by Class Members; (g) calculating Employer Payroll Taxes and providing appropriate forms  
21 and calculations to Defendant; (h) mailing settlement checks, and (i) other tasks as the Parties mutually  
22 agree or the Court orders Simpluris to perform.  
23

**TOLL FREE TELEPHONE HELPLINE**

24 4. A toll-free telephone number was included in the Class Notice for the purpose of  
25 allowing the Class Members to call Simpluris and to make inquiries regarding the Settlement. The  
26 system is accessible in English and Spanish 24 hours a day, 7 days a week, and will remain in operation  
27  
28

1 throughout the settlement process. Callers have the option to speak with a live call center  
 2 representative during normal business hours or to leave a message and receive a return call during non-  
 3 business hours. Spanish-speaking representatives are available during normal business hours. The toll-  
 4 free telephone number included in the Notice of Proposed Class Action Settlement was (888) 369-6080  
 5 and was live on October 20, 2017.

#### 6 7 NOTIFICATION TO THE CLASS

8 5. On October 24, 2017, Simpluris received the Court-approved Notice of Proposed Class  
 9 Action Settlement and the Claim Form (hereafter "Notice Packet"). The Notice Packet advised Class  
 10 Members of their right to submit a claim, request exclusion from the Settlement, object to the  
 11 Settlement, do nothing, and the implications of each such action. The Notice Packet advised Class  
 12 Members of applicable deadlines and other events, including the Final Approval Hearing, and how  
 13 Class Members could obtain additional information.

14 6. On October 20, 2017, Counsel for Defendant provided Simpluris with a mailing list  
 15 ("Class List") containing Class Members' names, most recent mailing address and pertinent  
 16 employment information for each Class Member during the Class Period. The Class List contained data  
 17 for one thousand two hundred and twelve (1,212) Class Members.

18 7. The mailing addresses contained in the Class List were processed and updated utilizing  
 19 the National Change of Address Database ("NCOA") maintained by the U.S. Postal Service. The  
 20 NCOA contains requested changes of address filed with the U.S. Postal Service. In the event that any  
 21 individual had filed a U.S. Postal Service change of address request, the address listed with the NCOA  
 22 would be utilized in connection with the mailing of the Notice Packets.

23 8. On October 30, 2017, Notice Packets were mailed to one thousand two hundred and  
 24 twelve (1,212) Class Members with addresses contained in the Class List via First Class mail or  
 25 updated via the NCOA search. A copy of the Notice Packet is attached hereto as **Exhibit A**.

26 9. If a Class Member's Notice Packet was returned by the USPS as undeliverable and  
 27 without a forwarding address, Simpluris performed an advanced address search (i.e. skip trace) on all of  
 28

1 these addresses by using Accurint, a reputable research tool owned by Lexis-Nexis. Simpluris used the  
 2 Class Member's name and previous address to locate a current address. Through the advanced address  
 3 searches, Simpluris was able to locate one hundred and thirty five (135) updated addresses and  
 4 Simpluris promptly mailed Notice Packets to those updated addresses. Ultimately, there were one  
 5 hundred and one (101) Notice Packets that were undeliverable.

#### 7 CLAIMS AND CLAIMANT AWARDS

8 10. As of this date, there are one hundred and forty four (144) Class Members who  
 9 submitted a valid Claim Form, for a response rate of 11.88%. These Claimants will be paid their  
 10 portion of the Net Settlement Fund.

11 11. The Net Settlement Fund of \$87,500.00 available to pay Claimants was determined by  
 12 subtracting the Class Counsel's Fees and Costs (\$60,000.00), Named Plaintiff Service Award  
 13 (\$7,500.00), and the Administration Costs (\$15,000.00) from the Maximum Settlement Amount  
 14 (\$170,000).

15 12. As of this date, \$87,500.00 of the Net Settlement Fund will be disbursed. The *average*  
 16 *estimated payment* is \$838.24 and the *highest estimated payment* is \$7,150.00. The *average adjusted*  
 17 *payment* is \$616.20 and the *highest adjusted payment* is \$5,256.03.

#### 19 REQUESTS FOR EXCLUSION, OBJECTIONS AND DISPUTES

20 13. As of this date Simpluris has received one (1) Requests for Exclusion from a Class  
 21 Member.

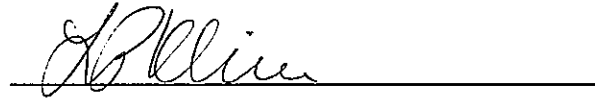
22 14. As of this date, Simpluris has not received any Objections to the Settlement from Class  
 23 Members.

24 15. As of this date, Simpluris has not received any Disputes of Work Weeks from Class  
 25 Members.

**ADMINISTRATION COSTS**

15. Simpluris' total costs for services in connection with the administration of this Settlement, including fees incurred and anticipated future costs for completion of the administration, are \$15,000.00. Simpluris' work in connection with this matter will continue with the calculation of the settlement checks, issuance and mailing of those settlement checks, etc., and to do the necessary tax reporting on such payments.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 29<sup>th</sup> day of January, 2018, in Costa Mesa, CA.



Lindsay Kline